

PATENT
674580-2011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : COX *et al.*

Serial No. : 09/936,680

Filed : September 14, 2001

For : NOVEL FAMILY OF BETA SUB-UNIT PROTEINS FROM A VOLTAGE-GATED SODIUM CHANNEL, NUCLEIC ACIDS ENCODING THEM AND THERAPEUTIC OR DIAGNOSTIC USES THEREOF

Examiner : Nirmal Sing BASI

Group Art Unit : 1646

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New York, NY 10151

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Date of Deposit: January 3, 2006

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: **Mail Stop PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Barnet Shindlman

(Typed or printed name of person mailing paper or fee)

Barnet Shindlman

(Signature of person mailing paper or fee)

**PETITION UNDER 37 C.F.R. 1.137(b) TO REVIVE
AN UNINTENTIONALLY ABANDONED APPLICATION**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a Petition under 37 C.F.R. 1.137(b) to revive the above-identified application which was unintentionally abandoned as a result of a failure to include a response to the outstanding Office Action in addition to the Information Disclosure Statement filed with the Request for Continued Examination.

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A final Office Action in this Application was mailed on April 4, 2005, setting a three-month period for reply. In response, a Request for Continued Examination, including a Petition for a three-month extension of time and an Information Disclosure Statement was filed on October 4, 2005. Applicants received a Communication mailed October 13, 2005 which indicated that the Request for Continued Examination filed October 4, 2005 was improper as it did not include a submission under 37 C.F.R. 1.114. The Communication indicated that the period for response continues to run from the date of mailing of the final Office Action, such that the denial of the Request for Continued Examination resulted in the time period continuing to run from the April 4, 2005 mailing of the final Office Action and the abandonment of this application. This petition to revive has been prepared and filed without intentional delay. Applicants hereby petition for revival of this application.

Enclosed is the requisite fee in the amount of \$1500.00 as required by 37 CFR 1.17(m).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION:

1. A check for \$1500.00 for the petition fee for revival of this application accompanies this Petition.
2. A new Request for Continued Examination, including the previously filed Information Disclosure Statement and an Amendment is attached hereto in order to expedite the revival of this application and a check for the fee of \$790.00 accompanies this Petition.
3. Please charge any additional fees which may be incurred by reason of this Petition or credit any overpayment to Deposit Account No. 50-0320.
4. Verified Statement:
The delay caused by the abandonment of this application was unintentional.

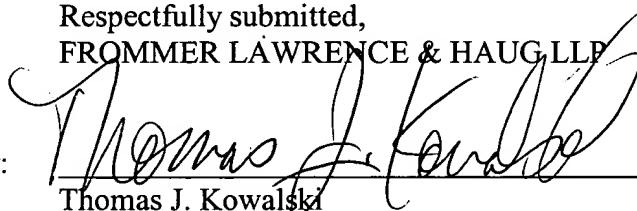
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application, any patent issuing thereon, or any patent to which this verified statement is directed.

As a result of the Request for Continued Examination submitted herewith, the Petition for revival of the unintentionally abandoned application, and the appropriate fees, it is respectfully requested that the above-identified application be revived and that the instant application be found in condition for allowance.

The Assistant Commissioner is authorized to charge any deficiency or credit any overpayment in these fees to Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:


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